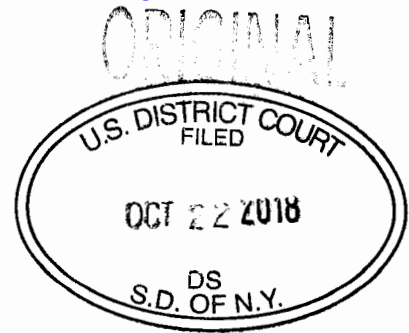


18 MAG 8976



Approved: _____

KARIN PORTLOCK
Assistant United States Attorney

Before: THE HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York

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: COMPLAINT
UNITED STATES OF AMERICA :
:
- v. - : Violation of
: 18 U.S.C. § 922(g)(1)
LUIS JAVIER, :
:
Defendant. : COUNTY OF OFFENSE
: BRONX
----- X

SOUTHERN DISTRICT OF NEW YORK, ss.:

KENNETH DOYLE, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

1. On or about October 19, 2018, in the Southern District of New York, LUIS JAVIER, the defendant, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce a firearm, to wit, a loaded Harrington & Richardson, Inc. Model 732 revolver, which had previously been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Detective with the NYPD and have been with the NYPD for approximately fifteen years. I have been personally involved in the investigation of this matter. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, my examination of reports and

records, and my conversations with other law enforcement officers, including officers from the NYPD. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my conversations with other law enforcement officers involved in the arrest of LUIS JAVIER, the defendant, on October 19, 2018, and my review of reports and records prepared in connection with JAVIER's arrest on that date, I have learned the following, among other things:

a. On or about October 19, 2018 at approximately 6:30 a.m., an NYPD sergeant (the "Sergeant") received a communication from a confidential source (the "CS"),¹ who advised the Sergeant, in substance and in part, that the CS had just seen a heavy-set black male wearing a blue jacket with a firearm in the vicinity of 2200 Morris Avenue in the Bronx, New York (the "Building").

b. The Sergeant communicated the CS's information to officers from the 46th Precinct. Two NYPD officers and an NYPD sergeant then went to the Building in an unmarked car. One of the officers ("Officer-1"), seated in the back seat of the car, observed an individual wearing a blue jacket, subsequently identified as LUIS JAVIER, the defendant, matching the description provided by the CS walking south on Morris Avenue.

c. Officer-1 approached LUIS JAVIER, the defendant, asked him to remove his hands from his pockets, and attempted to frisk him in the vicinity of the northeast corner of Morris Avenue and East 181st Street. While attempting to frisk him, Officer-1 asked JAVIER to raise his hands, but JAVIER kept lowering his left hand back down toward his waist. Officer-1 then felt an object in JAVIER's left jacket pocket that Officer-1 believed to be, based on his training and experience, a firearm. Officer-1 then placed JAVIER in handcuffs and recovered from JAVIER's left jacket pocket a loaded Harrington & Richardson, Inc. Model 732 revolver (the "Firearm").

¹ The CS is a paid confidential source who has been a source for the NYPD for approximately two years. The CS's information has proven reliable and has been corroborated by independent evidence.

d. At approximately 7:03 a.m., LUIS JAVIER, the defendant, was placed under arrest. JAVIER was transported to the 46th Precinct for processing.

4. Based on my review of a preliminary analysis of the Firearm by a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms, I have learned that the Firearm was not manufactured in New York State.


5. I have reviewed criminal history records pertaining to LUIS JAVIER, the defendant, which show that JAVIER was convicted on or about January 27, 2012 of Attempted Criminal Possession of a Weapon in the Second Degree in violation of New York Penal Law § 265.03, which is a crime punishable by imprisonment for a term exceeding one year.

WHEREFORE, the deponent respectfully requests that LUIS JAVIER, the defendant, be imprisoned or bailed, as the case may be.



KENNETH DOYLE
Detective
New York City Police Department

Sworn to before me this
22nd day of October, 2018



THE HONORABLE KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK